

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated June 20, 2008 and, thus, the application is in condition for allowance.

By this reply, no claim is amended. Claims 37-40 remain pending. Of these, claim 37 is independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 37-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rezaiifar (USPN 6,980,658) as evidenced by Lin (IS-95 North American Standard – A CDMA Based Digital Cellular System). It is asserted that Rezaiifar discloses a method with all of the limitations of the present invention as recited in the claims. Applicant respectfully traverses.

Rezaiifar cannot anticipate the present invention as recited in the pending claims because Rezaiifar does not teach or fairly suggest each of the elements recited therein. For example, Rezaiifar does not disclose or suggest a method of validating the integrity of a data packet, for example, for stream cipher out-of-synchronization detection. At best Rezaiifar discloses a method for transmitting authentication variables. See, for example, claim 1. At no point does Rezaiifar disclose a method for stream cipher out of synchronization detection. Thus, Rezaiifar cannot anticipate the present claims, the rejection should be withdrawn and the application allowed to proceed to issue.

In the outstanding Office Action, claims 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lockhart (USPN 5,841,873) in view of Menezes (“Handbook of Applied Cryptography”). It is asserted that Lockhart discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the encryption algorithm being a stream cipher. It is further alleged that Menezes does disclose this deficiency and the

combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Lockhart, nor Menezes, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, none of the related art recites a detection method for stream cipher out-of-synchronization for validating the integrity of a data packet by comparing a network checksum with a calculated checksum to thereby detect the loss of stream cipher synchronization. Furthermore, there is no specific motivation disclosed or suggested in the cited art, other than Applicant's own disclosure, that would motivate one having ordinary skill in the art to create the invention as recited in the pending claims. The Office Action has used improper hindsight reconstruction to attempt to re-create Applicant's own invention using selected parts of various references. When taken as a whole, however, the references could not be fairly combined to create the invention as recited in the pending claims.

A THREE (3) month extension of time is hereby requested to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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/Fariborz Moazzam, Reg. No. 53,339/

Fariborz Moazzam

Reg. No. 53,339

Cust. No. 39,013

MOAZZAM & ASSOCIATES, LLC

7601 Lewinsville Road, Suite 304

McLean, Virginia 22102

(703) 442-9480

(703) 991-5978 (fax)